

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	}	CHAPTER 13
	}	
SHANNON L. LEE,	}	CASE NO: 16-56291-PMB
	}	
DEBTOR.	}	

CHAPTER 13 TRUSTEE'S RESPONSE TO
DEBTOR'S MOTION TO EXCUSE DELINQUENCY OF \$6,937.00 WITH
A MATCHING BASE REDUCTION

COMES NOW MELISSA J. DAVEY, Standing Chapter 13 Trustee in the above styled case, and respectfully responds to the Debtor's Motion to Excuse Delinquency of \$6,397.00 with a Matching Reduction in Base as follows:

1.

This case was filed on April 8, 2016, under Chapter 13, Title 11 of the United States Code and confirmed by the Court on July 14, 2016. The Debtor's plan, as confirmed, provides for payments in the amount of \$1,466.00 per month, a sixty (60) month applicable commitment period, and a zero percent (0%) dividend or \$2,000.00 to be paid to unsecured creditors.

2.

On July 30, 2018, the Debtor filed a Motion to Excuse Delinquency of \$6,397.00 with a Matching Reduction in Base to excuse delinquency that occurred from February through August 2018 totaling \$6,937.00 and a matching reduction in Plan base.

3.

Debtor's Motion offers no explanation for the specific amount requested to be excused. It is neither a multiple of the plan payment or of the step that both Debtor and Debtor's attorney completely ignored. Additionally, excusal of the entire step would appear to be unjustified as the budget recently filed reflects an ability to pay at least \$450.00 per month for the months in question as opposed to the \$350.00 per month that Debtor was actually paying.

4.

Additionally, no proof has been provided regarding the loans taken out by the non-filing spouse and it is unclear how these expenses furthered his business. The documents provided so far are bank statements that show that the non-filing spouse income is significantly understated.

WHEREFORE, for the foregoing reasons, the Chapter 13 Trustee respectfully requests that this Court deny the Debtor's Motion to Excuse Delinquency of \$6,397.00 with a Matching Reduction in Base and for such other and further relief as this Court deems just and proper.

This 20th day of August 2018.

Respectfully submitted,

_____/s/_____
Jason L. Rogers, GA Bar No. 142575
Attorney for the Chapter 13 Trustee
260 Peachtree Street, Suite 200
Atlanta, GA 30303
678-510-1444

16-56291-PMB

CERTIFICATE OF SERVICE

This is to certify that I have this day served:

DEBTOR:

Shannon Lori Lee
PO Box 533
Kennesaw, GA 30156

ATTORNEY FOR DEBTOR:

Slipakoff & Slomka, PC
Overlook III - Suite 1700
2859 Paces Ferry Rd, SE
Atlanta, GA 30339

with a copy of the foregoing Chapter 13 Trustee's Response to Debtor's Motion to Excuse Delinquency of \$6,397.00 with a Matching Reduction in Base by depositing in the United States Mail a copy of the same in a properly addressed envelope with adequate postage thereon.

This 20th day of August 2018.

/s/ _____
Jason L. Rogers,
Attorney for the Chapter 13 Trustee
260 Peachtree Street, Suite 200
Atlanta, GA 30303
678-510-1444